HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R. No.6810 of 2006
Date of decision : 19.12.2006.

Ashok and another **.....Petitioners**

versus

Satender Pal Singh and others **.....Respondents**

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.Ashok Tyagi, Advocate for the petitioners.

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ORDER

HEMANT GUPTA, J. (Oral)

The challenge in the present revision petition is to the order dated 11.12.2006, passed by the learned trial Court, whereby an application filed by the petitioners under Order 7 Rule 11 of the Civil Procedure Code, for rejection of the plaint for non payment of ad-valorem Court fee, has been dismissed.

It has been found that the plaintiff has challenged a Sale deed dated 16.5.1987 on the ground that the sale deed was effected when the plaintiff was minor. Still further, it has been found that the plaintiff has sought such decree claiming himself to be in possession of the suit land.

Learned counsel for the petitioner has relied upon a judgment reported "***2006 (3) R.C.R. (Civil)-263, Yuv Raj and others versus Balwant Singh and others",*** wherein it has been held that Ad-valorem Court fee is required if there is challenge to the sale deed. However, the Full Bench of this Court in case reported as " ***Niranjan Kaur versus Nirbigan Kaur, The Punjab Law Reporter-127"*** , has held that ad-

valorem Court fee is required to be affixed when the challenge is to the sale deed and when possession is claimed as a consequential relief.

Since the possession is not being claimed as consequential relief by the plaintiff in the present case, therefore, the plaintiff is not required to pay ad-valorem Court fee, in view of the law laid down by Full Bench of this Court.

Consequently, I do not find any illegality or irregularity in the orders passed by the learned trial Court, which may warrant interference by this Court in exercise of its revisional jurisdiction.

Dismissed in limine.

(HEMANT GUPTA)
JUDGE

December 19, 2006
**mohinder*